THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.10265 of 2006

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DATED: 25-05-2006

Between:

Ch.Sambhasiva Rao . . .Petitioner

And

The Dist. Registrar, Eluru, West Godavari . . .Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.10265 of 2006

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O R D E R:

The petitioner filed O.S.No.115 of 2006 in the Court of Additional Senior Civil Judge, Eluru, against Mr. Ch.Satyanarayana, Mr. Ch.Rajendra Prasad, Mr. M.Subhash Chandra Bose, Mr. C.Prakash Rao and
Mr. E.Nagabhushanam for the relief of partition. He also filed I.A.No.668 of 2006 under Order 39 Rule 1 CPC against the said individuals for temporary injunction restraining them from alienating the suit schedule properties. The trial Court granted an *ex parte* order of temporary injunction on 23-03-2006. He apprehends that despite the temporary injunction, the defendants in the suit may alienate the property. On that basis, he filed this writ petition seeking a direction against the District Registrar, Eluru, restraining him from registering any document in relation to the suit land.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

The petitioner had already adopted proper course, by filing a suit for partition and had obtained an order of temporary injunction. That would be sufficient to protect his rights. As long as the order of temporary injunction subsists, the respondents therein cannot transfer the suit schedule property. In case they resort to such activities, not only such transfer would become illegal, but they would be exposed to the consequence of contempt of Court.

Hence, this Court is of the view that the writ petition is superfluous and the same is closed, duly observing that the rights of the petitioner were already protected with the orders of temporary injunction granted by the trial Court.

There shall be no order as to costs.

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(L.NARASIMHA REDDY, J)

25th MAY, 2006.

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